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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,740	05/22/2000	Jeffrey Bruce Lotspiech	AM9-98-028-US2	1165

7590

04/26/2004

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EXAMINER

LANIER, BENJAMIN E

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/575,740

Applicant(s)

LOTSPIECH ET AL.

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment of claims 1 and 2 has been fully considered and is entered.

Response to Arguments

2. Applicant's arguments filed 25 March 2004 have been fully considered but they are not persuasive. Applicant's argument that the key of Angelo is not position dependent is not persuasive because the position dependency is not based on disk location as applicant has asserted but rather where the key is position dependant within the disk itself.
3. Since applicant's claimed position dependant function is not defined with respect to a particular measure, a broad but reasonable interpretation was applied to the claims in the rejection. The combination of two keys is an inherently position dependant operation.
4. Applicant's argument with respect to claim 7 is not persuasive because the respective number could be anything and in the context of Angelo and the device key of Angelo is created using a video key and a drive key (Col. 4, lines 1-34). Either of which could be considered a respective number associated with the device key.
5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 2 recites the limitation "the position in the MKB of the respective key number" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-7, 10, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Angelo, U.S. Patent No. 5,923,754. Referring to claims 1, 3-7, 10, 11, Angelo discloses a copy protection system wherein a medium disc contains a disc key that is unique to that medium disc, along with media keys that are unique to a respective encrypted media file contained on the medium disc. A disc drive, usable on a computer system and capable of reading the medium disc, contains a video key and drive key. The disc drive upon power up computes a device key using the video key and the drive key. The drive key is a combination of the disk key stored on the media (position dependent), and a uniqueness factor derived from the PLL of the drive. When the disc drive attempts to access the encrypted media files on the medium disc, the disc drive queries the disc for key information. The disc drive receives from the medium disc the disc key (media key) and the media key, and subsequently combines the two to generate a disc/media key (Col. 4,

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lines 25-67), which meets the limitation of transforming the media key using a position specific function with each of a sequence of positions to render a sequence of position dependent media keys. The disc key of the medium disc would correspond to the media key of applicant's invention and the media keys of Angelo, when combined separately with the disc key of the medium disc, create a set of disc/media keys. The disc drive then encrypts each disc/media keys with calculated drive key (Col. 4, lines 57-60), which meets the limitation of encrypting each position dependent media key with a respective position dependent device key. The video controller then decrypts the encrypted disc/media key so that the video system can retrieve the corresponding data from the disk and decode the video data. The video controller is then able to decrypt the encrypted data using the disk/media key and sends the movie or corresponding output to video monitor (Col. 4, lines 57-67), which meets the limitation of decrypting the number at a position in the MKB corresponding to the position associated with the device key to render a decrypted position dependent media key, and reverse transforming the position dependent media key with a number representing the position of the position dependent media key in the MKB, the render a media key.

Regarding claim 2, the memory of the disc drive where the disc key and media keys are combined and subsequently encrypted would correspond to the media key block, and the information about each individual media key would be usable as the number representing a respective position.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo, U.S. Patent No. 5,923,754, in view of Scheidt, U.S. Patent No. 6,542,608. Referring to claim 8, Angelo discloses a copy protection system wherein a medium disc contains a disc key that is unique to that medium disc, along with media keys that are unique to a respective encrypted media file contained on the medium disc. A disc drive, usable on a computer system and capable of reading the medium disc, contains a video key and drive key. The disc drive upon power up computes a device key using the video key and the drive key. The drive key is a combination of the disk key stored on the media (position dependent), and a uniqueness factor derived from the PLL of the drive. When the disc drive attempts to access the encrypted media files on the medium disc, the disc drive queries the disc for key information. The disc drive receives from the medium disc the disc key (media key) and the media key, and subsequently combines the two to generate a disc/media key (Col. 4, lines 25-67). Angelo does not disclose that the combination of keys creates a key matrix. Scheidt discloses a key combiner system wherein multiple keys are combined to create a key matrix (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the combination of the disc key and media keys of Angelo to create a key matrix because Scheidt discloses the a key matrix is a desirable creation from the combination of multiple keys (Abstract).

Referring to claim 9, Scheidt discloses that the exclusive oring is used (Col. 4, line 55).

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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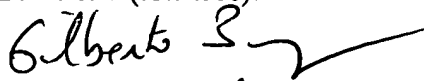
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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